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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/789,869	SOUDERS ET AL.
Office Action Summary	Examiner	Art Unit
	NAMRATA BOVEJA	3622
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet with the c	correspondence address
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period. - Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from the, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).
Status		
Responsive to communication(s) filed on 26 F This action is FINAL . 2b) ☑ This Since this application is in condition for allowed closed in accordance with the practice under	s action is non-final. ance except for formal matters, pro	
Disposition of Claims		
4) ☐ Claim(s) 1-37 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-37 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or pers 4pplication Papers 9) ☐ The specification is objected to by the Examin	awn from consideration. or election requirement.	
10)☑ The drawing(s) filed on 26 February 2004 is/an Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11)☐ The oath or declaration is objected to by the E	e drawing(s) be held in abeyance. Section is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bureat* * See the attached detailed Office action for a list.	nts have been received. nts have been received in Applicationity documents have been received au (PCT Rule 17.2(a)).	on No ed in this National Stage
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 02/26/04,09/27/07, 08/08/08, 11/21/08.	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal F 6) Other:	ate



Application No.

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DETAILED ACTION

1. This office action is in response to the communication filed on 02/26/2004.

2. Claims 1-37 are presented for examination.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 1 is rejected under 35 U.S.C. 101, because, based on Supreme Court precedent, a method/process claim must (1) be tied to another statutory class of invention (such as a particular apparatus) (see at least Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780, 787-88 (1876)) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing (see at least Gottschalk v. Benson, 409 U.S. 63, 71 (1972)). A method and system claim that fails to meet one of the above requirements is not in compliance with the statutory requirements of 35 U.S.C. 101 for patent eligible subject matter. Here the claim fails to meet the above requirements because the steps are neither tied to another statutory class of invention (such as a particular apparatus) nor physically transform underlying subject matter (such as an article or materials) to a different state or thing. While the claim does recite minimal use of a database, there is no specific data manipulation or calculation that is taking place by using a computer.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

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U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 13-15, 19, 20, 31-33, and 37 are rejected under 102(b) as being anticipated by Tuzhilin (US Patent Number 6,236,978 hereinafter Tuzhilin).

In reference to claims 1, 19, and 37 Tuzhilin teaches a method, system, and computer program product for generating recommendations over a computer network, comprising: collecting user events across a plurality of domains in a database (i.e. purchasing data, demographic data, psychographic data, travel locations, types of favorite restaurants, airline reservations, credit card transactions, Web site visit transactions) (see at least col. 1 lines 28-42, col. 3 lines 31-35, and col. 3 lines 66 to col. 4 lines 2); receiving a triggering event for recommendations (see at least col. 13 lines 38-42); analyzing the user events to formulate correlations between the user events in the database (see at least col. 13 lines 42-57); and generating recommendations in response to the triggering event in accordance with the correlations between the user events in the database (see at least col. 13 lines 57 to col. 14 lines 20).

5. In reference to claims 2 and 20, Tuzhilin teaches the method and system wherein collecting user events comprises: receiving a user event from the plurality of domains, wherein the user event includes one or more user event parameters (i.e. information is received regarding what the user purchased and when and where the purchase was made) (see at least col. 3 lines 58 to col. 4 lines 29); validating the user event parameters in accordance with a predetermined set of rules (see at least col. 4 lines 53-

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67); if the user event fails to meet one of the predetermined set of rules, rejecting the user event (see at least col. 5 lines 17-19); and if the user event meets the predetermined set of rules, storing the user event in the database (see at least col. 5 lines 20-62).

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- 6. In reference to claims 13 and 31, Tuzhilin teaches the method and system further comprising: receiving a request for recommending personalized items; and generating personalized recommendations in accordance with the correlations between user events in the database (see at least col. 13 lines 38-65).
- 7. In reference to claims 14 and 32, Tuzhilin teaches the method and system wherein generating the personalized recommendations comprises: validating the request, wherein the request includes a set of predefined parameters; retrieving a first list of items the user shown preference from the database, wherein each item has a correlation value greater than or equal to a predefined threshold; (a) creating a set of recommendations of similar items for each item the user has shown preference; (b) storing the set of recommendations of similar items into a first list of recommendations; and (c) repeating steps (a) and (b) until all members of the first list of items are traversed; and refining the first list of recommendations in accordance with the correlation values and a set of predefined parameters (see at least col. 13 lines 38-65).
- 8. In reference to claims 15 and 33, Tuzhilin teaches the method and system wherein refining the first list of recommendations comprises: if the first list of recommendations is less than or equal to the predefined minimum number of items, returning the first list of recommendations; and if the first list of recommendations is

greater than the predefined minimum number of items, improving the first list of recommendations in accordance with the correlation values and the set of predefined parameters (see at least col. 13 lines 38-65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 9. Claims 3-12, 16-18, 21-30, and 34-36 are rejected under U.S.C. 103(a) as being unpatentable over Tuzhilin in view of Smith et al. Publication Number 2002/0010625 (hereinafter Smith).

In reference to claims 3 and 21, Tuzhilin does not specifically teach the method and system wherein validating a particular user event parameter comprises: if the particular user event parameter exists in the database, continue validating another user event parameter until all user event parameters are validated; and if the particular user event parameter does not exist in the database, checking whether a predefined dynamic updating configuration corresponding to the particular user event parameter is enabled; if the dynamic updating configuration corresponding to the particular user event parameter to the database; and if the dynamic updating configuration corresponding to the particular user event parameter to the database; and if the dynamic updating configuration corresponding to the particular user event parameter is not enabled, rejecting the user event.

Smith teaches the method and system wherein validating a particular user event

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parameter comprises: if the particular user event parameter exists in the database, continue validating another user event parameter until all user event parameters are validated; and if the particular user event parameter does not exist in the database, checking whether a predefined dynamic updating configuration corresponding to the particular user event parameter is enabled; if the dynamic updating configuration corresponding to the particular user event parameter is enabled, adding the particular user event parameter to the database; and if the dynamic updating configuration corresponding to the particular user event parameter is not enabled, rejecting the user event (i.e. if an item has been purchased before and this has been recorded, when additional quantities are purchased, it is not recorded again, and instead the process moves on to another item and items that are sold to an insignificant number of customers are not recorded) (see at least page 8 paragraph 104). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Tuzhilin such that validating a particular user event parameter comprises: if the particular user event parameter exists in the database, continue validating another user event parameter until all user event parameters are validated; and if the particular user event parameter does not exist in the database, checking whether a predefined dynamic updating configuration corresponding to the particular user event parameter is enabled; if the dynamic updating configuration corresponding to the particular user event parameter is enabled, adding the particular user event parameter to the database; and if the dynamic updating configuration corresponding to the particular user event parameter is not enabled, rejecting the user event to avoid the effects of "ballot stuffing,"

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by counting multiple copies of items that are purchased as multiple purchases and to present the most popular results to the customers.

- 10. In reference to claims 4 and 22, Tuzhilin does not teach the method and system wherein validating the user event parameters comprises: validating the user event domain; validating the user event type; validating the user event value; validating the user event item; and validating the user identifier. Smith teaches the method and system wherein validating the user event parameters comprises: validating the user event domain (i.e. the user was shopping); validating the user event type (i.e. purchasing or reviewing); validating the user event value (i.e. what the user adds to his cart); validating the user event item (i.e. product identifier such as ISBN); and validating the user identifier (i.e. unique user identifier) (see at least column 2, lines 47 to column 3, lines 6, column 3, lines 24-28 and lines 53-59, column 4, lines 9-31, column 10, lines 48-62, column 12, lines 10-19 and 44-55, and column 14, lines 33-41). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Tuzhilin to include the method and system wherein validating the user event parameters comprises: validating the user event domain; validating the user event type; validating the user event value; validating the user event item; and validating the user identifier to ensure that the user are presented with targeted recommendations.
- 11. In reference to claims 5 and 23, Tuzhilin does not teach the method and system wherein analyzing the user events comprising: applying a collaborative filter on the user events to compute correlation values between the user events; and storing the correlation values in a similarity database. Smith teaches the method and system

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wherein analyzing the user events comprising: applying a collaborative filter on the user events to compute correlation values between the user events; and storing the correlation values in a similarity database (see at least column 3, lines 41-59, column 7, lines 37-46, column 11, lines 58 to column 12, lines 9, and column 29, lines 37 to column 30, lines 4). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Tuzhilin to include the method and system wherein analyzing the user events comprising: applying a collaborative filter on the user events to compute correlation values between the user events; and storing the correlation values in a similarity database for producing better recommendations on the purchase of correlated products.

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12. In reference to claims 6 and 24, Tuzhilin does not teach the method and system further comprising: receiving a request for recommending similar items; and generating recommendations of similar items in accordance with the correlations between user events in the database. Smith teaches the method and system further comprising: receiving a request for recommending similar items; and generating recommendations of similar items in accordance with the correlations between user events in the database (see at least column 3, lines 41-59, column 4, lines 20-24 and 55-67, column 7, lines 37-46, column 11, lines 58 to column 12, lines 9, column 14, lines 3-13, and column 29, lines 37 to column 30, lines 4). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Tuzhilin to include the method and system further comprising: receiving a request for recommending similar items; and generating recommendations of similar items in accordance with the correlations

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between user events in the database for producing better recommendations on the purchase of correlated products.

- 13. In reference to claims 7 and 25, Tuzhilin teaches the method and system further comprising generating recommendations of similar items in accordance with a priority scheme (see at least col. 13 lines 38 to col. 14 lines 14).
- 14. In reference to claim 8 and 26, Tuzhilin teaches the method and system wherein generating recommendations of similar items comprises: validating the request, wherein the request includes a set of predefined parameters; if source domains are specified, generating a first list of recommendations in accordance with the source domains; and if the source domains are not specified, generating the first list of recommendations in accordance with all available domains in the database (see at least col. 11 lines 53 to col. 12 lines 3 and col. 13 lines 38 to col. 14 lines 15).
- 15. In reference to claim 9 and 27, Tuzhilin does not teach the method and system wherein generating the first list of recommendations comprises: if the first list of recommendations is less than or equal to a predefined minimum number of items, returning the first list of recommendations; and if the first list of recommendations is greater than the predefined minimum number of items, improving the first list of recommendations in accordance with correlation values and the set of predefined parameters. Smith teaches the method and system wherein generating the first list of recommendations comprises: if the first list of recommendations is less than or equal to a predefined minimum number of items, returning the first list of recommendations; and if the first list of recommendations is greater than the predefined minimum number of

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items, improving the first list of recommendations in accordance with correlation values and the set of predefined parameters (see at least page 4 paragraph 52, page 6 paragraphs 80-82, and page 7 paragraphs 90 to page 8 paragraph 95). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Tuzhilin to include the method and system wherein generating the first list of recommendations comprises: if the first list of recommendations is less than or equal to a predefined minimum number of items, returning the first list of recommendations; and if the first list of recommendations is greater than the predefined minimum number of items, improving the first list of recommendations in accordance with correlation values and the set of predefined parameters to provide the most relevant recommendations to the users.

16. In reference to claims 10 and 28, Tuzhilin does not teach the method and system wherein improving the first list of recommendations comprises: forming a second list of recommendations from items of the first list of recommendations having a correlation value at or above a predefined threshold; if the second list of recommendations is less than or equal to the predefined minimum number of items, selecting a third list of recommendations comprising the minimum number of items prioritized according to correlation value from items of the first list of recommendations and returning the third list of recommendations; and if the second list of recommendations is greater than the predefined minimum number of items, improving the second list of recommendations in accordance with the correlation values and the set of predefined parameters. Smith teaches the method and system wherein improving the first list of recommendations

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comprises: forming a second list of recommendations from items of the first list of recommendations having a correlation value at or above a predefined threshold; if the second list of recommendations is less than or equal to the predefined minimum number of items, selecting a third list of recommendations comprising the minimum number of items prioritized according to correlation value from items of the first list of recommendations and returning the third list of recommendations; and if the second list of recommendations is greater than the predefined minimum number of items, improving the second list of recommendations in accordance with the correlation values and the set of predefined parameters (see at least page 4 paragraph 52, page 6 paragraphs 80-82, and page 7 paragraphs 90 to page 8 paragraph 95). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Tuzhilin to include the method and system wherein improving the first list of recommendations comprises: forming a second list of recommendations from items of the first list of recommendations having a correlation value at or above a predefined threshold; if the second list of recommendations is less than or equal to the predefined minimum number of items, selecting a third list of recommendations comprising the minimum number of items prioritized according to correlation value from items of the first list of recommendations and returning the third list of recommendations; and if the second list of recommendations is greater than the predefined minimum number of items, improving the second list of recommendations in accordance with the correlation values and the set of predefined parameters to provide the most relevant recommendations to the users.

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17. In reference to claims 11 and 29, Tuzhilin does not teach the method and system wherein improving the second list of recommendations comprises: if the second list of recommendations is less than or equal to a predefined maximum number of items, returning the second list of recommendations; and if the second list of recommendations generated is greater than the predefined maximum number of items, further improving the second list of recommendations in accordance with the predefined source domains in the request. Smith teaches the method and system wherein improving the second list of recommendations comprises: if the second list of recommendations is less than or equal to a predefined maximum number of items, returning the second list of recommendations; and if the second list of recommendations generated is greater than the predefined maximum number of items, further improving the second list of recommendations in accordance with the predefined source domains in the request (see at least page 4 paragraph 52, page 6 paragraphs 80-82, and page 7 paragraphs 90 to page 8 paragraph 95). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Tuzhilin to include the method and system wherein improving the second list of recommendations comprises: if the second list of recommendations is less than or equal to a predefined maximum number of items, returning the second list of recommendations; and if the second list of recommendations generated is greater than the predefined maximum number of items, further improving the second list of recommendations in accordance with the predefined source domains in the request to present the most relevant recommendations to the users.

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In reference to claims 12 and 30, Tuzhilin does not teach the method and system 18. wherein the step of further improving comprises: separating the second list of recommendations into a plurality of groups in accordance with the predefined source domains; (a) traversing each group one at a time, selecting a recommendation having the highest correlation value to form a fourth list of recommendations; (b) repeating step (a) until the fourth list of recommendations equal to the predefined maximum number of items; and returning the fourth list of recommendations. Smith teaches the method and system wherein the step of further improving comprises: separating the second list of recommendations into a plurality of groups in accordance with the predefined source domains; (a) traversing each group one at a time, selecting a recommendation having the highest correlation value to form a fourth list of recommendations; (b) repeating step (a) until the fourth list of recommendations equal to the predefined maximum number of items; and returning the fourth list of recommendations (see at least page 4 paragraph 52, page 6 paragraphs 80-82, and page 7 paragraphs 90 to page 8 paragraph 95). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Tuzhilin to include the method and system wherein the step of further improving comprises: separating the second list of recommendations into a plurality of groups in accordance with the predefined source domains; (a) traversing each group one at a time, selecting a recommendation having the highest correlation value to form a fourth list of recommendations; (b) repeating step (a) until the fourth list of recommendations equal to the predefined maximum number of items; and returning

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the fourth list of recommendations to present the most relevant recommendations to users.

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19. In reference to claims 16 and 34, Tuzhilin does not teach the method and system wherein improving the first list of recommendations comprises: forming a second list of recommendations from items of the first list of recommendations having a correlation value at or above a predefined threshold; if the second list of recommendations is less than or equal to the predefined minimum number of items, selecting a third list of recommendations comprising the minimum number of items prioritized according to correlation value from items of the first list of recommendations and returning the third list of recommendations; if the second list of recommendations is greater than the predefined minimum number of items, improving the second list of recommendations in accordance with the correlation values and the set of predefined parameters. Smith teaches the method and system wherein improving the first list of recommendations comprises: forming a second list of recommendations from items of the first list of recommendations having a correlation value at or above a predefined threshold; if the second list of recommendations is less than or equal to the predefined minimum number of items, selecting a third list of recommendations comprising the minimum number of items prioritized according to correlation value from items of the first list of recommendations and returning the third list of recommendations; if the second list of recommendations is greater than the predefined minimum number of items, improving the second list of recommendations in accordance with the correlation values and the set of predefined parameters (see at least page 4 paragraph 52, page 6 paragraphs 80-

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82, and page 7 paragraphs 90 to page 8 paragraph 95). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Tuzhilin to include the method and system wherein improving the first list of recommendations comprises: forming a second list of recommendations from items of the first list of recommendations having a correlation value at or above a predefined threshold; if the second list of recommendations is less than or equal to the predefined minimum number of items, selecting a third list of recommendations comprising the minimum number of items prioritized according to correlation value from items of the first list of recommendations and returning the third list of recommendations; if the second list of recommendations is greater than the predefined minimum number of items, improving the second list of recommendations in accordance with the correlation values and the set of predefined parameters to provide the most relevant recommendations to users.

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20. In reference to claims 17 and 35, Tuzhilin does not teach the method and system wherein improving the second list of recommendations comprises: if the second list of recommendations is less than or equal to a predefined maximum number of items, returning the second list of recommendations; and if the second list of recommendations generated is greater than the predefined maximum number of items, further improving the second list of recommendations in accordance with the predefined source domains in the request. Smith teaches the method and system wherein improving the second list of recommendations comprises: if the second list of recommendations is less than or equal to a predefined maximum number of items, returning the second list of

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recommendations; and if the second list of recommendations generated is greater than the predefined maximum number of items, further improving the second list of recommendations in accordance with the predefined source domains in the request (see at least page 4 paragraph 52, page 6 paragraphs 80-82, and page 7 paragraphs 90 to page 8 paragraph 95). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Tuzhilin to include the method and system wherein improving the second list of recommendations comprises: if the second list of recommendations is less than or equal to a predefined maximum number of items, returning the second list of recommendations; and if the second list of recommendations generated is greater than the predefined maximum number of items, further improving the second list of recommendations in accordance with the predefined source domains in the request to provide the most relevant recommendations to the user.

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21. In reference to claims 18 and 36, Tuzhilin does not teach the method and system wherein the step of further improving comprises: separating the second list of recommendations into a plurality of groups in accordance with the predefined source domains; (a) traversing each group one at a time, selecting a recommendation having the highest correlation value to form a fourth list of recommendations; (b) repeating step (a) until the fourth list of recommendations equal to the predefined maximum number of items; and returning the fourth list of recommendations. Smith teaches the method and system wherein the step of further improving comprises: separating the second list of recommendations into a plurality of groups in accordance with the predefined source

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domains; (a) traversing each group one at a time, selecting a recommendation having the highest correlation value to form a fourth list of recommendations; (b) repeating step (a) until the fourth list of recommendations equal to the predefined maximum number of items; and returning the fourth list of recommendations (see at least page 4 paragraph 52, page 6 paragraphs 80-82, and page 7 paragraphs 90 to page 8 paragraph 95). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Tuzhilin to include the method and system wherein the step of further improving comprises: separating the second list of recommendations into a plurality of groups in accordance with the predefined source domains; (a) traversing each group one at a time, selecting a recommendation having the highest correlation value to form a fourth list of recommendations; (b) repeating step (a) until the fourth list of recommendations equal to the predefined maximum number of items; and returning the fourth list of recommendations to provide the most relevant advertisements to the user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The **FAX** number for the organization where this application or proceeding is assigned is **571-273-8300**.

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/NAMRATA BOVEJA/

Examiner, Art Unit 3622